

RELIGIOUS FREEDOM AMENDMENT

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes as the designee of the majority leader.

Mr. ISTOOK. Mr. Speaker, this evening I think it is important that we talk about one of the very first liberties, one of the very first freedoms of the United States of America, something which motivated people to cross the ocean hundreds of years ago in some very small and leaky ships.

I am talking about people such as those who first came to Jamestown, those who were the Puritans and pilgrims who were motivated to come to the United States, in large part because they wanted a land of religious freedom. They wanted a land where everyone was free to worship or not worship according to the dictates of their own conscience and not be compelled by the government to give obeisance to any particular faith but certainly to have the freedom without intimidation, whether in private or in public, to express their faith in God.

I bring this to the attention of the House tonight, Mr. Speaker, because this is a liberty that is the first one enshrined in our Bill of Rights and yet which is jeopardized by a series of U.S. Supreme Court decisions that basically go back to 1962, decisions that are decisions that discriminate against those who wish to pray at public school, against school prayer. Voluntary school prayer even is not permitted in the same way that free speech and free religion should permit it. It is restricted at public school graduations.

The Ten Commandments, the U.S. Supreme Court has said, are unconstitutional if someone tries to display them in a schoolhouse. They have struck down nativity scenes and not only Christian emblems but, for example, a Jewish menorah whose display at a county courthouse was struck down by the U.S. Supreme Court, even though, Mr. Speaker, we open sessions of this House with prayer and the Pledge of Allegiance to the flag and we are in a Chamber which has many religious symbols, in a building which has many religious symbols, in a place which has many religious symbols. But the U.S. Supreme Court has been ruling that those are taboo, they are off limits, they are unconstitutional if they are involved in a public place such as in the school or a courthouse or many other public forums.

It is because of those threats, Mr. Speaker, that over 150 Members of this body have banded together as sponsors of the religious freedom amendment, a proposed amendment to the U.S. Constitution upon which we will be voting in this House of Representatives in approximately 3 weeks from now, because it is about time that we correct what the U.S. Supreme Court has done.

Mr. Speaker, I would like to offer for the RECORD, and I will give it to the

Clerk in a minute, a very simple fact sheet about the religious freedom amendment. Mr. Speaker, this particular sheet is from a recent publication by the Ethics of Religious Liberty Commission of the Southern Baptist Convention, one of the great number of religious groups in this country who are supporting this amendment.

The religious freedom amendment reads, very simply and very straightforward. It is as follows:

"To secure the people's right to acknowledge God, according to the dictates of conscience: Neither the United States, nor any State, shall establish any official religion, but the people's rights to pray and to recognize the religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

That is the text of the proposed religious freedom amendment, upon which we will be voting shortly, to correct the decisions of the U.S. Supreme Court which have pushed our country in the wrong direction, not in a direction of neutrality, but in a direction of hostility towards religion.

And reading from the facts sheet of the Southern Baptist Convention Ethics and Religious Liberty Commission, what the religious freedom amendment would and would not do:

It would correct years of judicial misinterpretation of the establishment clause. It would not revoke the establishment clause.

It would reverse many of the restrictions that courts have placed upon the free exercise of religion on government property in general and public schools in particular. It would not permit government-sponsored religion or proselytizing.

It would allow greater freedom for students who wish to pray. It would not require prayer in public schools.

It would require government to treat all religions fairly. It would not permit preference for one religion or sect over another.

It would advance belief in religious freedom. It would not advance any particular religious belief.

It would give greater protection to individuals against government intrusion. It would not create any new right for government.

It would guarantee that no person be discriminated against on account of religion. It would not require that any person be given special status on account of religion.

It would require equal access to all people, regardless of religion. It would not require unreasonable access to government facilities.

It would protect the liberty of conscience of all people. It would not protect only the liberty of people of a majority faith or of a minority faith or of no faith.

That is a good succinct summary, because, Mr. Speaker, it is hard to be brief about the many problems that have come from these Supreme Court decisions.

It was 1962 when the Supreme Court said that even when it is totally voluntary by students, they cannot come together during school time in public school to have a prayer together. And yet, Mr. Speaker, I am so pleased that so many millions of Americans have at least done as much as they could, forming different Bible clubs and huddles of groups, like the Fellowship of Christian Athletes, that meet before school and after school and do everything that they are permitted to do, but they are not permitted the same freedom and the same rights that apply to other school clubs in our public schools.

It was later, it was in 1980, that the U.S. Supreme Court, in the *Stone v. Graham* case said, you cannot display the Ten Commandments on the wall of the school because, as they wrote, "Students might read them and they might obey them."

Now, Mr. Speaker, if there is anything that would be good for the students in public schools to obey today, it would be the Ten Commandments. And yet, Mr. Speaker, that is what they take down, whether it be on the walls of the school or on the walls of a courthouse. And yet we have the image of Moses looking straight upon us, Mr. Speaker, directly across from us on the walls of this House of Representatives; and his image is there because of the Ten Commandments.

It was followed by other Supreme Court decisions. It was 1985 that they had maybe the most outrageous decision of all, the *Wallace v. Jaffrey* case. The State of Alabama had a law that said we can at least have a moment of public silence in public schools. And the U.S. Supreme Court said, no, we cannot have a moment of silence; that is unconstitutional, because students could use it for silent prayer.

And it was a 5-4 decision. It could have gone so easily the other way. But it prompted the Chief Justice of the U.S. Supreme Court, William Rehnquist, to say this about what the Supreme Court did with prayer in public schools. Justice Rehnquist wrote in *Wallace v. Jaffrey*, "George Washington himself, at the request of the very Congress which passed the Bill of Rights, proclaimed a day of public thanksgiving and prayer to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God. History must judge whether it was the father of this country in 1789 or a majority of the court today which has strayed from the meaning of the establishment clause."

The Supreme Court was not satisfied with that. They had the decision, I believe the correct year was 1990, that held that a nativity scene and a Jewish menorah on display at a county courthouse in Pennsylvania, were unconstitutional because they said they were

not balanced with non-religious emblems, such as Santa Claus or Rudolph or Frosty the Snowman. And yet the same Supreme Court has never said you cannot have Rudolph unless you balance him with Baby Jesus or a Jewish menorah, or whatever it might be. The Supreme Court has gone the wrong direction.

And then 1992, the graduation prayer case, a Jewish rabbi invited to offer a prayer at a public school graduation in Rhode Island was told afterwards that was unconstitutional because there are some students who might not want to be respectful.

Now, Mr. Speaker, since when have we said we do not want to teach students to be respectful in public schools? Since when have we said that whether we agree or disagree with something, we ought to at least have the courtesy to be able to listen to it and to take something that is intended to be positive without blowing up and literally making a Federal case out of it? Because Mr. Speaker, the intolerance is not on the part of someone who wants to be able to offer a prayer in a public setting.

□ 2045

The intolerance, unfortunately, is on those who want to stifle and censor that prayer.

Mr. Speaker, the religious freedom amendment follows the mechanism established by the Founding Fathers to correct these and other distortions of our religious freedom that the first amendment has been twisted into saying when it does not really say that. But the Supreme Court has found it there, and it is our job to fix it and to correct it.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for consistently leading this fight for the religious freedom amendment. You are constantly out there.

There are many of us who help you. As you said, I think there are 150-plus cosponsors of this amendment in the House. But, clearly, your leadership has made a difference here as we are bringing the attention of the country to the constitutional rights, not that we need to put it in the Constitution, but that we need to restore the Constitution.

Every time I read about this, every time I think about this, every time we discuss it here on the floor or in other places, I am more and more convinced that this effort is really merely an effort to restore the Constitution to what it was for 175 years.

Before 1962, there really was no question in America about the place of religion in our society. There was no question in our history about how the Founding Fathers had felt about religious freedom and the difference, as they say it, between establishing one religion and eliminating God from

country. In fact, every piece of money that we have has "In God we trust" on that money. How much more of a commitment to faith can we make than "In God we trust" on that money?

As you see the potential for the amendment, as you and I see the Constitution, I do not think we are in disagreement with the Chief Justice of the Supreme Court when you cited earlier when Judge Rehnquist said that this misinterpretation, this misunderstanding of separation of church and State creates incredible mischief in our society.

In fact, also, it creates a disadvantage for religious groups who cannot do, in a public facility, what virtually any other group could do, any club could do, any group of students coming together could do unless they want to talk about religion, unless they want to study the Bible on public property, unless they want to have prayer in a public assembly that everybody agrees with.

Clearly, we are rethinking America. I heard just here in Washington last week a person has recently written a great book on General Washington. He talked about the attributes that made Washington distinctive. As I left that breakfast meeting and got to thinking about the packed crowd that heard those attributes about Washington, it occurred to me immediately that the one attribute that he left out was Washington's faith.

I advance you cannot understand Washington without understanding his faith. You cannot understand many of the founders without understanding their faith. I do not think you can understand their belief in the kind of government they were establishing unless you understand that they thought it was a government established for a Nation that would be built on godly principles and that those godly principles would be taught.

Whether it was the posting of the Ten Commandments in school, the same Ten Commandments that the Supreme Court sets under the lawgiver as they talk about why we could not have the Ten Commandments posted in the school, or other religious teachings, I think the founders clearly thought that that was part of our society, part of how you define a community.

I have got here the copy of a city seal from a community in the district of the gentleman from Oklahoma (Mr. ISTOOK), Edmond, Oklahoma, except that is what the community seal used to look like.

Mr. ISTOOK. That is correct.

Mr. BLUNT. As I understand it, the community seal does not look like this anymore. The community seal still has these three reflections of community, but this is now a blank spot.

Mr. ISTOOK. Yes.

Mr. BLUNT. Is that right?

Mr. ISTOOK. Yes. Mr. Speaker, what the gentleman has is a copy of the city seal which had been adopted a number of years ago by Edmond, Oklahoma,

which is in my congressional district. You can see a multiple number of emblems on it. You see at the top some oil derricks and a locomotive. You see on the left the tower from the University of Central Oklahoma, which is located there. On the bottom, you have a covered wagon in 1899 from the Land Run of 1899. You have a pair of hands above that, collapsed in friendship. Then to the right of that, you have a cross as a symbol of the community's great religious faith.

Unfortunately, a lawsuit was brought, and, ultimately, when it got to the Supreme Court, the ruling of the Supreme Court said the cross has got to go. It was a great shock to a great many people, because they did not mean that as an expression to say that you have to be of one faith or another faith, but they did want to say that religious worship is a vital part of the lives of people in the community. It is part of the tradition or heritage or beliefs of the community, as we mention, of course, in the religious freedom amendment.

Edmond is not alone. Still, Ohio has had to take a Bible off of its city seal. You had a case in Eugene, Oregon where a cross, large cross had to be taken down from public property; one where the Supreme Court ruled last year that a cross, which it stood for almost 70 years in a public park in San Francisco, had to come down. You have a similar case in Hawaii. All over the place. Anything that involves a religious symbol on public property is coming down.

In part, that somewhat begs the issue of, well, how far do you want to go in knocking down religious symbols. You mention, of course, that on our currency we have "In God we trust." You look right behind you and above the Speaker's head, and we have it here in the House Chamber, "In God we trust."

You have States with mottos like that. In Ohio, their State motto is "With God, all things are possible." The ACLU is suing them right now to have them stop using the State motto in Ohio. It is one of all sorts of cases against prayer in public places and football games and on other occasions.

But when you say that because a symbol has religious value to some people, therefore it has to be considered suspect and stricken down. I mean, let us look at what the Supreme Court has done. They have struck down the cross. But the same Supreme Court in 1977 said a Nazi swastika, a symbol of hate, was protected for display at a public march on public streets in Skokie, Illinois, in a community that had many Jewish survivors of the Nazi Holocaust, the effort to exterminate Jews. A symbol of hate the Supreme Court said was protected.

They backed that up in 1992, striking down a hate crimes law because it was against things such as Nazi swastikas or burning crosses. If you carry on with those, I mean how far do you want to go?

A beetle is an ancient Egyptian religious emblem. Eagle feathers are considered sacred to many American Indians. You have other occasions. Things that are considered sacred to one religion, do we say because it is sacred to some religion, that therefore it cannot be displayed on public property? I know that you are going through this right now in your district in a community in Missouri.

Mr. BLUNT. Mr. Speaker, we are. I think the point here we ought to make, too, is everything seems to be protected in our society except those things that relate to faith. In Edmond, Oklahoma, this cross was a symbol of faith. I do not think they came up with anything that was acceptable to replace that symbol so far as the city seal is concerned.

Mr. ISTOOK. They took off the cross and left a blank spot.

Mr. BLUNT. There is a blank spot. So where there was faith, there is now a blank spot. Where the community used to say we are a community based on faith, there is now a blank spot.

We have got a community in my district in southwest Missouri, the city of Republic that is going through exactly that same thing right now. There is a copy of their city seal. Of course Republic is located just about where that star is.

What does the seal say about that community? It says with this helping hand that this is a community that reaches out and helps people. It says with this family that this is a community based on family. Maybe we could even say family values, though that might get that struck off the seal as well, but certainly based on the concept of family.

Of course this symbol, that is a symbol for faith, and, of course, in this case, a specific faith, but that is clearly the predominant faith in that community.

Nobody came to the city council in Republic and said there are other faith groups in this community; could we put some more, could we create a collage of symbols here? That is not the challenge. The challenge is to eliminate this from the seal. The challenge is to do exactly what Edmond, Oklahoma did and wind up with a big white blotch where faith used to be.

Of course the ACLU is coming into this small southwest Missouri community. They are saying we are going to go to court. It is going to cost you about \$100,000 to fight us. Do you want to fight, or do you want to give in? At this point, the city council, and I think the vast majority of people in that community, say we want to fight because this is what our community is all about.

Not everybody that lives in Republic lives in a family with children still at home. Probably as great as the community is, not everybody is totally helpful. But these are overall reflections of what that community is all about. Not everybody goes to church on Sunday,

but the vast majority of people believe that church on Sunday is important.

That is why that seal is that way and why that community, like the many you have mentioned now, suddenly has to decide can we fund this fight? Can we finance this fight? Is this a fight? Not even as much whether we can win it or not as should we give into clearly this blackmail virtually against what we want our city seal to look like.

So they are fighting that same fight right now; and if the opposition wins, just, perhaps like Edmond, Oklahoma, suddenly faith will be gone as a reflection of that community.

Mr. ISTOOK. I might mention, because I have read comments from different city officials and the city of Republic, and they make the point that that is meant to be an emblem of religion, the principles of religion generally as opposed to saying it has to be any one particular faith.

Indeed, I asked the Congressional Research Service to look at this for me. They gave me information today that, actually, the symbol of a fish has been used for thousands of years around the world, even before Christianity has been used for a thousand of years, even before the life of Christ as a religious symbol. They indicated it had been used in China, in India, in Egypt, in Greece, in Rome in Scandinavia, in the Mideast, even before Jesus Christ was born.

Mr. BLUNT. So our research here indicates this is a universal kind of symbol that reflects faith, religion, not exclusive, but reflective of something that that community would think was important.

Mr. ISTOOK. But there is no perfect symbol. There will always be, to any symbol, some people who object, saying I do not like that. In the case of Edmond, Oklahoma, I thought it was an outrageous comment, but they had a person saying, well, every time I see the city seal on a police car or something, it makes me feel like a second-class citizen.

So what the courts did was they elevated this subjective approach, the fact that somebody felt bad maybe because they were thin-skinned or sensitive or maybe they had had some unfortunate incidents in their life, but because somebody felt bad, it trumped the constitutional rights of free speech and free expression and freedom of religion of everybody else.

That is the problem with the court decisions. They say unless it is unanimous, unless everybody agrees on some religious expression, you cannot have it, and maybe not even then.

Well, you do not expect that of anything else. Why use the first amendment as a weapon against religion, which is what the courts are doing, saying that you do not have freedom of expression of religion, that it is supposedly creating a freedom from hearing about religion on behalf of people that do not want to hear it.

Mr. BLUNT. Every poll I see, if the gentleman would yield, indicates that 98 percent of Americans believe in God.

Mr. ISTOOK. Yes.

Mr. BLUNT. It is hard to think of anything else that 98 percent of all Americans would believe in that we would have to eradicate from our discussion, from our symbols, from our public places of assembly. In fact, I am not sure there is anything else that 98 percent of all Americans believe in.

We try to focus our public discourse and our public displays under these court rulings as if the 2 percent were the 98 percent; that we all have to believe and act like we do not believe in any being greater than ourselves; that faith is not part of not only communities, but part of individual lives. It is just not there.

I do not think there is another example of anything that is so universally held by Americans, that is so universally rejected by the Supreme Court over the last 30 years; that was so universally accepted by the Supreme Court in the 175 years that were closer to the founders who wrote the Constitution and added that Bill of Rights.

□ 2100

Mr. ISTOOK. Let me just make a quick reference. I know there is another member that would like to get involved in this. We look at our currency, and this is the back of the one dollar bill, it says, of course, "in God we trust."

A lot of people do not notice something else. If you look here in this circle of the Great Seal of the United States, on the front side of it you have the eagle, and above its head is a cluster of 13 stars. But look at the pattern in which those stars are arranged. It is a Star of David, the symbol of another faith, Judaism. Are we to say that the Great Seal of the United States of America is unconstitutional because it includes an emblem of the Jewish faith? I do not think so.

I think that that shows, again, a recognition and what should be an acceptance of many different faiths, but you do it by permitting, not by excluding.

I would like to yield to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Let me show my support for what you all are talking about by telling a little story that occurred in Pine Bluff, Arkansas, my hometown. We had a Fellowship of Christian Athletes there, it was trying to get started, and a minister was trying to sponsor it. He worked hard at it, but he could come only at certain times, so some of us were called and asked as laymen to come help with the program.

We had five or six people that were coming to the meetings once a week. We started working on it, a bunch of our communities started working on it, and we got the attendance up to maybe 200 in a given week. We set records as far as sending people to the national conference. We had 75 that went to Tulsa one year. We had three buses of

kids. We had kids that were working after school on these projects and on the weekends. We had what is called an Olympics Day, as I recall, and we had a contest. We made up our own athletic contest. We did things with the cheerleaders and the girls.

So, what happened? Slowly the opposition started building. First of all, people came in and said, "Oh, you are taking money away from the school." We said, "No, we have been raising money and putting it into the school Treasury, and at the end of the year the school has been taking it. So the school has been making money off of it." They said, "This is supported by a church." We said, "No, it is not. We do not even have a minister who is involved."

So that went by the wayside. Then they said at one point we were favoring one donut store over others, and that was the reason we were having the breakfast meetings.

Then we prayed for victories before the game. We said yes, we did. We prayed for victories, the kids prayed for victories before the game. We also prayed we had good health and that no one was hurt on the other side either.

Finally, finally, after about seven or eight years, a letter came from a person of another faith who said, "We are going to have to consider legal action if you all do not stop or disband the Fellowship of Christian Athletes."

I happened to take a call after we said we couldn't continue, after the school said we could not go any further, I happened to take a call from one of the kids who said, Mr. Dickey, why are we not going to have the FCA anymore?

I could not answer it then, and I cannot answer it now, because what we have done is we have said to the parents and to the families, that which you are teaching your children at home and that which your pastors, when you take your kids to church, that what your pastors are teaching your kids and the Sunday school classes, those things are against the law. God is against the law. You cannot mention him in your schools, unless in fact you do it by taking God's name in vain. Of course, that is protected. But you cannot mention God. You are not going to have anything like Jesus Christ being mentioned, because that is against the law.

In 1962, in my opinion, when we decided in our wisdom that we were going to take over the schools and not give God any place, he sat there and probably said, "Okay, we will just see how you all work it out. I have carried it forward."

Harvard was a theological school. Our kids were taught in the early days by ministers. They were the teachers in the early days. We had Bible-believing people who brought this country to where it is. It was not because we were the smartest, it was not because we were the hardest working, it was not because we were the most militarily

strong country. It is because God was blessing our country like no other country in the history of the world.

So what are we doing? We are turning our back on God and saying, "We can take it from here; you go worry about somebody in some other area." We are reaping the whirlwind because of that.

I am very much in favor of this, Mr. Istook, and I want you to know that I appreciate very much what you have said, and I am very happy to be here and discuss this with you. I think it is a vital issue, and I think the real America, the America that wants to respond and say thank you to the founders, is solidly behind us, and I think it is only our duty to go forward and present it for a vote.

Mr. ISTOOK. I thank the gentleman from Arkansas (Mr. DICKEY).

I appreciate, Mr. Speaker, the many Members who have joined together in supporting this amendment, because the American people have never accepted what the Supreme Court has done in taking the First Amendment, which is meant to protect religion, as a shield for freedom of religion, and instead they have used it as a weapon, as a sword against religious freedom, saying that, you know, you have enough chance to speak freely about your religion in private, or maybe at church or other places, and you do not need to be able to do so if you are present on public property.

Yet our children are required to be at school, because we want them to be educated. We want to have a society that is self-sufficient and self-reliant, and that means an educated population. But why do we say that during the time when you are required by law to be at school, you are also required by law to be isolated from normal religious activity, things as simple and common and ordinary and as positive as a prayer, the simple prayer of a child of faith and hope at the start of the day? And if children want to join together and have a prayer, let them do so.

To say that we believe in religious diversity means that we recognize there will be different prayers offered. The Religious Freedom Amendment carefully makes sure that we do not have government officials composing a prayer or insisting that a prayer must be said or insisting that anybody must take part in a prayer. There is an express prohibition against that. But yet there is the freedom, the opportunity, the ability for people to join in prayer together.

I think that it is a sad day to read, as I read in one newspaper recently, can you imagine a newspaper editorial writer actually wrote, "Freedom to pray should stop at the schoolhouse door." I read that in the Arizona republic, in an editorial that they wrote just in this last week. They said "Freedom to pray should stop at the schoolhouse door."

Now, what else are we going to say? Does that newspaper want freedom of

the press to stop at the schoolhouse door? Do they want to say that newspapers should be banned in public schools because, after all, they may bring in ideas that not everyone likes? They may bring in some things that are controversial. They may bring in things that make some people uncomfortable. They may bring in, along with the news and information of the day, they may bring in some negative influences too. Do we say, therefore, that the bad outweighs the good and we should not have free speech?

No. We have free speech because we believe that most speech is good, that most ideas are reasonably presented, and if that means that sometimes there is a price to pay, that we let someone with an unpopular idea have the respect for their ideas, just as respect is given to good ideas, then we understand that.

I heard a Member of this House, Mr. Speaker, in the last week take to the floor and say that, well, he was concerned that supposedly what we are doing is opening the door for unpopular groups or cults, or even a group such as a satanic group, to come into schools.

Well, Mr. Speaker, this does not open the door for just anybody to come into school. The schoolhouse door is open for children, for those who have a right to be there. This amendment does nothing to invite other people in.

But if we believe in the right to pray, his opinion was that you will only have negative influences and you will only have negative prayers, or at least that is all that he seems to hear.

But, Mr. Speaker, in my lifetime, in my lifetime, it is almost never that I have ever heard in public or private a prayer that is anything other than a positive experience; and if in order to hear millions of positive prayers, do we say that we are going to suppress them just because once in a very extremely isolated incident there may be someone who uses that same freedom to say something that almost all of us would not like, do we therefore ban prayers in public schools?

I think not. Besides which, if you want to look at the negative influences in school, you will have many people that will tell you, you have already got the devil in public schools, because they will point to the rates of crime, they will point to the rates of violence, they will point to drug use, they will point to alcohol, they will point to gangs, they will point to teenage pregnancies. And do not tell me that you do not have devilish influences in public schools. But yet what the Supreme Court does is not to keep out that type of influence, but to keep out the good, godly, positive, uplifting, spiritual prayers and influences.

That is what has happened. It is the sanitizing of that which is good, and leaving only that which is base or suspect or negative. That is what happens when you try to remove the positive religious influences from a society.

Government does not have the job of telling us what to believe or that we

must believe anything about religion, but it also should not have the job of censoring those who want to simply recognize their religious heritage or religion or to offer a simple prayer, who have a right to be in public schools, that are required by law to be in public school. And the ones who want to pray are the true captive audience in our public schools, because they are not permitted to do what is normal and good.

We have prayer to open sessions of this House. We have prayers to open sessions of State legislatures and city councils, chamber of commerce meetings, Kiwanis Club meetings, Rotary Club meetings and a vast number of organizations and groups within our society, because they know it is something that is powerful, something that is good, something that is part of the common bond that brings us together and puts the accent on what we share, not only how we are different.

I think it is useful to understand, as a Supreme Court justice wrote, that you do not isolate children from the understanding that, yes, there are different ways that people go about these things. There are different ways in which people may offer the prayer. There are different faiths. And if you believe in diversity, you do not believe in isolating children from that knowledge, until suddenly they are adult and say oh, this is an adult topic. Now you are ready to handle it.

No, this is a topic that starts at our very earliest age, and is something that brings with it the values and traditions and beliefs of the United States of America itself.

Mr. Speaker, it was a sad day when organizations such as the ACLU persuaded the Supreme Court to distort the First Amendment, and we have had a number of sad days since then where they have continued to distort it, to use it not to promote religious freedom, but to use it as a weapon against religion.

So I find there are some myths that are out there. There is a myth, some say, oh, the amendment is not really needed. We do not need a religious freedom amendment; we have the First Amendment already.

Mr. Speaker, if we were talking about the First Amendment as understood by the Founding Fathers, I think we would all agree, because then we would not have the warping of it from the courts. But as I mentioned before, in 1962 the court struck down not only mandatory, but also voluntarily, prayers by students together in public schools. In 1980 they said the Ten Commandments have to come down. In 1985 they said it is unconstitutional to have a moment of silence. In 1992 they said a prayer at a school graduation was unconstitutional.

What we have left is not neutrality towards religion. It is negative. Yes, school Bible clubs may exist, but they are under restrictions that do not apply to other school clubs.

The Chief Justice of the United States Supreme Court, William Rehnquist, in *Wallace v. Jaffree* talked about how people throw around, rather than the language of the First Amendment, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, they throw around instead a catchphrase which they call separation of church and State. But I find what they mean by it and what different people mean will vastly vary. Because, you see, Mr. Speaker, we have people that believe that as government has grown, it is in every aspect of our society today. It is larger than it ever has been before.

□ 2115

As government has grown, if the rule is separation of church and State, where government goes religion cannot be. Where government enters religion must exit. If they say separation of church and State is the guideline, then that means as government grows, religion must shrink.

Let me tell my colleagues what the Chief Justice William Rehnquist wrote about it. This was in that moment of silence case, *Wallace v. Jaffree*. The Chief Justice of the U.S. Supreme Court, William Rehnquist, said the use of the term separation of church and State has caused what he called "a mischievous diversion of judges from the actual intention of the drafters of the Bill of Rights. A metaphor based on bad history, a metaphor which has proved useless as a guide to judging what should be, frankly and explicitly, abandoned." That is the Chief Justice of the U.S. Supreme Court.

Now, I am not proposing that we abandon the proper interpretation, but it has been twisted and distorted and used as a weapon against religion.

Then we have another myth that somehow government would declare an official faith, that supposedly that is what people want with the Religious Freedom Amendment. Not so. That is why we expressly have the language in it to reiterate what the First Amendment already says, because we are not replacing it; we are only putting this to lay alongside it. But the Religious Freedom Amendment also says, "Neither the United States nor any State shall establish any official religion."

Then we have the myth that, oh, society is more diverse. Nonsense. There were many different religions in the days of the Founding Fathers. There are many different religions today. If they say, well, some people do not want to hear the prayer, what they are really saying is that the most intolerant persons in our society are now told that they can stifle the rest of us. Not because there is anything wrong with what people are saying in a prayer or about their religion, but because some people are so intolerant, they do not want to hear it.

We hear them say things like, oh, it makes me feel bad, or I feel like I do

not belong. Mr. Speaker, all of us at one time or another in our lives feel like we may not belong. But part of life is learning that we do belong, and that we believe in things that are common, and the Religious Freedom Amendment restates what we have in common.

Then we have the myth that religion belongs only in the home. Can we imagine if the Founding Fathers had written that we will have freedom of religion only in our homes and no place else; that as government grew and government property was everywhere, that we could not have freedom of religion if we were standing on government property?

Whether it be standing in this Chamber of the House of Representatives, or standing in a schoolroom or in a classroom, to say that religious freedom stops when one goes into the schoolhouse, as this newspaper in Arizona said, is not the American way. It is not what we believe as Americans. And yet, the Supreme Court has been adopting that philosophy of saying the First Amendment is meant to protect from religion rather than to protect religion.

Mr. Speaker, it is the first time that this House, since 1971, will have a vote on a school prayer amendment to the U.S. Constitution, the first time. It has been 27 years; that is far too long. The amendment has been through a number of hearings that were held all over the country by the Committee on the Judiciary over the last 2 or 3 years. It has been approved by the Subcommittee on the Constitution. It has been approved by the Committee on the Judiciary. It is supported by a multitude of religious and faith-based groups, because they believe that religious liberty indeed has been threatened in the United States of America by the Supreme Court decisions, which will be corrected by the Religious Freedom Amendment.

Mr. Speaker, I would like to offer two documents for the RECORD. One is a newspaper article from the Human Events publication that was published this week, an article I authored regarding the Religious Freedom Amendment. Also, I will provide to the Clerk, as well, a copy of a document that was written by the Ethics and Religious Liberty Commission of the Southern Baptist Convention. I would like to offer both of those to appear in the RECORD following my remarks.

Mr. Speaker, I know that we cannot discuss everything about this amendment this evening, and we are continuing to discuss it. But I want to commend the attention of every Member of this body and anyone else who is interested in it that we do have a Web site that talks about much of this. That is, religiousfreedom.house.gov, and I hope that people will take a look at that because, Mr. Speaker, the American people need to tell their Member of Congress now that they want and expect their support for the Religious Freedom Amendment, we are approximately 3 weeks away from the vote the

first week in June, to say that once again in the schools of America, government will not insist that it happen, but we will permit students who want to engage in prayer in public school to be able to do so, whether it be a public school or a graduation or a football game, to give that freedom once more that has been taken away by these decisions of the U.S. Supreme Court.

Mr. Speaker, I urge all who are hearing or watching this evening to contact their Member of Congress and tell them, we need you to support the Religious Freedom Amendment.

Mr. Speaker, the material previously referred to is as follows:

FACT SHEET ON THE RFA

[The following is from a recent publication by the Ethics and Religious Liberty Commission of the Southern Baptist Convention]

The Religious Freedom Amendment (RFA) is a proposed amendment to the United States Constitution. The language of the amendment is as follows:

"To secure the people's right to acknowledge God according to the dictates of conscience. Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

WHAT THE RELIGIOUS FREEDOM AMENDMENT WOULD AND WOULD NOT DO:

It WOULD correct years of judicial misinterpretation of the establishment clause.

It WOULD NOT revoke the establishment clause.

It WOULD reverse many of the restrictions the courts have placed upon the free exercise of religion, on government property in general, and public schools in particular.

It WOULD NOT permit government-sponsored religion or proselytizing.

It WOULD allow greater freedom for students who wish to pray.

It WOULD NOT "require" prayer in public schools.

It WOULD require government to treat all religions fairly.

It WOULD NOT permit preference for one religion or sect over another.

It WOULD advance belief in religious freedom.

It WOULD NOT advance any particular religious belief.

It WOULD give greater protection to individuals against government intrusion.

It WOULD NOT create any new right for government.

It WOULD guarantee that no person be discriminated against on account of religion.

It WOULD NOT require that any person be given special status on account of religion.

It WOULD require equal access to all people regardless of religion.

It WOULD NOT require unreasonable access to government facilities.

It WOULD protect the liberty of conscience of all people.

It WOULD NOT protect only the liberty of people of a majority faith, or of a minority faith, or of no faith.

WHY DO WE NEED A CONSTITUTIONAL AMENDMENT?

"We have given the courts more than 30 years to get this issue right, and they have

persisted in not doing so. Legislative remedies would in all probability be overturned by the present federal judiciary. It is time for the people to give the courts further instructions . . . by the means provided by our founders, namely amending the Constitution. We must . . . constitutionally guarantee the free exercise of public school students and all citizens. We do not ask for, and do not want, government's help in expressing our beliefs or acknowledging our religious heritage. The most and best government can do is guarantee a level playing field and then stay off the field."

[From Human Events, May 15, 1998]

CONGRESS SOON TO VOTE ON RELIGIOUS FREEDOM AMENDMENT—REFUTING SEVEN ANTI-RFA MYTHS

(By Representative Ernest J. Istook, Jr.)

THE RELIGIOUS FREEDOM AMENDMENT

"To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any state shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

In the first week of June, the U.S. House of Representatives is expected to vote on the Religious Freedom Amendment (RFA), also known as House Joint Resolution (HJ Res) 78. It will be the first time in nearly 28 years that the House has held a vote on a proposed constitutional amendment dealing with voluntary school prayer and religious freedom.

It will correct 36 years of Supreme Court decisions that have warped the original plain and simple meaning of our religious rights under the 1st Amendment to the Constitution. Here is what it will do:

For the first time, our Constitution will mention America's belief in God. Every one of our 50 states has an express reference to God within their state Constitutions. The Religious Freedom Amendment does so for the federal Constitution; it echoes the words in the Declaration of Independence, where our Founding Fathers wrote that our unalienable rights come not from government, but are an endowment from our Creator.

Student-initiated and voluntary prayers could be voiced in public schools, whether in classrooms, school assemblies, graduations, sporting events, or other occasions. Court decisions restrict almost all school prayers; the minor exceptions are usually limited to clubs that gather before or after the school day, and even then only with special controls. The RFA does not permit teachers or any other agent of government to proselytize, or to dictate that any person must join in prayer, or to prescribe what prayer should be said.

The Ten Commandments could again be posted in public schools and other public buildings. The Supreme Court banned the Ten Commandments from school buildings in 1980, but the RFA directs that the people's religious beliefs, heritage and traditions may again be recognized on public property, including schools. (However, the RFA expressly maintains the prohibition on any official religion for America!)

Holiday displays such as Nativity scenes and menorahs, and the singing of Christmas carols, would be protected on public property. The Supreme Court has made it difficult or impossible to recognize special oc-

casions, and the threat of lawsuits has intimidated schools to go even farther than the court has dictated. The RFA fixes this.

Government programs could not use religion as an excuse to deny a benefit. There could be no direct government subsidy to any religion or church, but when government creates a program that furthers other purposes, it could not exclude any group because of their religious affiliation. For example, any government aid to nonpublic schools would have to include families who send their child to a church-affiliated school. As another example, if private drug treatment programs are funded, faith-based drug treatment programs could not be excluded.

Over 150 members of Congress have joined to co-sponsor the Religious Freedom Amendment. Opponents of the left typically resort to smear tactics against it and use hackneyed catch-phrases to try to control the issue and to limit debate.

They attempt to mold the issue by getting the media to use terms such as "state-sponsored prayer," "official prayer," "religious coercion," "mandatory prayer," and the ever-popular (but extremely misunderstood) "separation of church and state."

And a small number on the right claim that if we amend the Constitution, we are agreeing that the Supreme Court possessed the power to make the rulings that the RFA will correct.

In typical fashion, the mass media cover the myths about the RFA rather than explore the issue. We who love the Founding Father's concept of religious freedom must respond to these myths with the truth about how our courts have attacked that concept.

MYTH #1: AMENDMENT ISN'T REALLY NEEDED

"We don't need another constitutional amendment because freedom of religion is fully protected under the 1st Amendment, and we have the highest degree of religious liberty anywhere in the world. Students already can pray, and even meet in thousands of school Bible clubs. This new proposal violates the constitutional principle of separation of church and state."

The issue is not how much religious liberty remains, but instead is how much has been lost. The record shows the Supreme Court had misused the 1st Amendment to attack and limit religion rather than to protect it as the 1st Amendment intended. Prayer and religious speech are being restricted when other speech is not, supposedly as required by this very 1st Amendment!

In 1962, the court struck down not only mandatory and government-composed prayers, but also prayers overlapping with a school activity, even, they said "when observance on the part of the students is voluntary" (Engel v. Vitale).

In 1980 the Supreme Court ruled that the Ten Commandments cannot be displayed in public school (Stone v. Graham), reasoning that otherwise the students might "revere . . . and obey them."

In 1985 (Wallace v. Jaffree) the court voided a moment of silence law, saying it was unconstitutional because it would have permitted silent prayer.

A 1992 ruling (Lee v. Weisman) said a graduation prayer was unconstitutional, because students shouldn't be asked to respect religious expression.

What we have left is not neutral toward religion. School Bible clubs may exist, to be sure, but they are under restrictions that don't apply to other school clubs. (They cannot meet during school hours, or have an advisor, etc.)

The phrase "separation of church and state" doesn't come from the Constitution.

The 1st Amendment was meant simply to affirm that America never should make any faith an official or required religion. "Separation of church and state" has been pushed as a substitute, sponsored by those who are intolerant of religion and those who believe in big government. Under their approach, as government expands into more aspects of life, religion must be pushed aside, to assure that "separation." It conveniently also pushes aside the values that religion brings to our lives—values often at odds with big government.

The Chief Justice of the United States, William Rehnquist, pinpointed the problem. Writing in his dissent in *Wallace v. Jaffree*, Rehnquist wrote that this wrongful use of the term "separation of church and state" has caused a "mischievous diversion of judges from the actual intentions of the drafters of the Bill of Rights. . . . The 'wall of separation between church and State' is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned."

MYTH #2: GOVERNMENT WILL DECLARE AN OFFICIAL FAITH

"This allows a government to favor majority religions at the expense of others—to declare an official faith, such as designating us a 'Christian Nation.'"

The RFA explicitly says otherwise; it does not permit any faith to be given "official" status. Moreover, it does not repeal the 1st Amendment ("Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"), but simply corrects its faulty interpretation by the courts.

Some seek to pervert the intent of the Bill of Rights by claiming that it's intended to protect only minorities; the true intent is to protect all of us, minority and majority. But the courts are wrongfully using it to suppress the majority who believe prayer and religious expression are proper in public places.

The Supreme Court has ruled the Constitution does not permit symbols of hate to be banned, such as a Nazi swastika. Yet they say it does require the banning of symbols of love and hope, such as a cross, or a Nativity scene on public property. Government agencies have also banned religious items and symbols from workers' desks, including Christian and non-Christian items, and "Merry Christmas" and "Happy Hannukah" banners in post offices.

MYTH #3: WON'T WORK IN DIVERSE SOCIETY

"School prayer can't work in today's diverse society. There's no way to decide who would pray, or who would compose the prayer. And it makes a captive audience of students who don't want to hear a prayer."

This myth is really a way of attacking free speech itself. If nobody can speak unless everyone agrees, then we have censorship, not freedom. It's dangerous to impose silence simply because someone else disagrees.

We don't ask "How could free speech work?" because we know that neither the courts nor our government should make that decision for us. The same is true with prayer and other religious speech—individuals and groups can work together however they see fit, so long as they don't compel anyone else to take part. Didn't we all learn in kindergarten about taking turns?

Contrary to what the "political correctness" movement seeks, there is no constitutional protection from hearing something we don't like. In schools and public settings, we learn to be tolerant by respecting differing views.

The best model to follow is how we conduct the Pledge of Allegiance. Most students re-

cite it, but some sit silently, and a few even leave the room. The Supreme Court ruled that no student can be compelled to say the Pledge, but those who object are not permitted to silence those who wish to say it.

This is the best model for voluntary school prayer. Students who wish could rotate and take turns just as they do on everything else. It is something simple, just as it was in America's schools for almost 200 years, except that government would not be permitted to select a prayer for students, nor require joining in any prayer.

MYTH #4: HERE COMES THE WITCHES

"Aren't we just inviting cults, witches and Satanists to come into public schools and influence our children?"

This is a scare tactic, because there's no real threat of this type. It never surfaced when school prayer was common, and any such effort would remain exceedingly rare. Would we silence millions of prayers from fear that the privilege would be abused on extremely rare occasions—if even then?

Just as free speech does not give a student the right to interrupt and change topics in class, the RFA does not permit disruptions. It would not require schools to bring in outside groups. Students who belong to highly unpopular groups might indeed want an equal chance to offer a prayer on extremely rare occasions at some school, but this is no reason to censor all prayers across America. It is extremely rare that we hear a truly offensive prayer; it would remain that way.

Those who object strongly may always leave rather than listen to somebody's free speech, but equal treatment does not permit us to silence someone simply because we disagree, even in a public place. We only need to apply normal rules of orderly behavior, just as free speech does not allow someone to yell, "Fire" in a crowded theater. Those standards would remain in constitutional law.

Far-fetched versions of this argument claim the amendment would protect animal sacrifice and other hideous practices, which it absolutely would not do. The 1st Amendment yields when necessary to avoid, as the courts express it, "substantial threat to public safety, peace and order." The courts maintain that free exercise of religion is not a license to disregard general laws on behavior, such as those against advocating the violent overthrow of the government, polygamy, the use of illegal drugs, and prostitution. Those types of protections would continue under the Religious Freedom Amendment.

MYTH #5: RELIGION BELONGS ONLY IN THE HOME

"Children should be taught religion at home and church, not at school they have plenty of time and opportunity to pray in other places; they don't need to do so at school."

The FEA is not about teaching religious doctrine, but about permitting people to keep their faith as a normal part of everyday life. If we have freedom of religion only when we are at home or at church, we do not have true freedom of religion. We would never give up the right to free speech except at home, church, or some other limited places.

This notion also ignores the rights of the majority, who are required to be in school (for the biggest part of their day), yet are forced to leave their normal religious expressions behind while they are there. As Justice Potter Stewart noted in his dissent in *Abington v. Schemp* (1963), "a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission for such exercises for those who

want them is necessary if the schools are truly to be neutral in the matter of religion." The real "captive audience" is the majority whose right to pray together is being suppressed!

MYTH #6: THIS IS ABOUT MONEY

"This is about money, not about prayer or religion. The federal treasury should not be funding churches and religious groups, or vouchers for church schools."

The amendment does not permit public funding of actual religious activity. We have a long history, however, of cooperative efforts for the common good, and religious groups have a solid established role, which is now being attacked. Students attending church colleges and universities already qualify for GI Bill benefits and student loans, and they should. The Congressional Research Service reported last year on 51 federal statutes and regulations that disqualify religious organizations or adherents from neutral participation in generalized government programs!

This discrimination needs correction, especially since faith-based charities have a better record of success than most in helping people recover from poverty, drug or alcohol abuse, or other problems.

When the Murrah Federal Building was bombed in Oklahoma City in April 1995, churches suffered some of the heaviest damage. Attorneys for the federal government were ready to deny them the same disaster assistance every other building received. It took congressional action to assure equal and fair treatment for church buildings.

MYTH #7: REAL PROBLEM BUT WRONG SOLUTION

"The problem is real, but the solution is wrong. Let's tell the Supreme Court we don't recognize its authority to make these horrible rulings."

We are challenged to be an orderly society that believes in honoring the law. Some questions whether we took a wrong turn two hundred years ago, when the Supreme Court became the de facto arbiter of interpreting the Constitution. It's a practical impossibility now to persuade the country otherwise. Yet the people are ready to support a constitutional amendment on school prayer; 36 years of public opinion polls show support from 75% and more of the public.

If we teach our children to ignore what the courts say, then we are not teaching respect for the law; we would be teaching anarchy, whether we thought so or not. Everyone could ignore whatever court rulings they found inconvenient, whether on religion, crime, drugs, or any other issue.

We've tried every other approach, and are left with a constitutional amendment as the only legitimate remedy. Our Founding Fathers foresaw possible problems, and so created a mechanism for amending the Constitution. It was used for an anti-slavery amendment after the Dred Scott decision, and it's the mechanism being followed by the Religious Freedom Amendment.

Some suggest that Article III should be used, and that Congress can and should altogether remove federal court jurisdiction over selected topics. This is not just mistaken; it's dangerous. If Congress can bar the Supreme Court from taking cases in the freedom of religion, they can also be barred from ruling on other issues found in the Constitution and the Bill of Rights: There would be no way to halt an act of Congress that restricted free speech, or freedom to assemble, or the right to keep and bear arms, or the right to be compensated if government takes our property, or the right to a jury trial, or any other constitutional right. Congress would be enabled to amend and attack our constitution rights, and we would have no remedy for it. We already have a problem because courts are usurping authority; this

supposed 'remedy' would enable Congress to usurp authority.

The Religious Freedom Amendment took nearly three years to draft, building widespread support among people of many faiths, both Christian and non-Christian. It is the product of painstaking and prayerful work. Now it's being assailed by demagogues who prey upon those who aren't informed about what the courts have done, or about how the Religious Freedom Amendment can repair that damage.

One quick way to inform yourself, and your friends, is through the Religious Freedom Amendment website, at religiousfreedom.house.gov. There, you can find both simple and detailed information, and download handouts to share with others.

Armed with facts and with prayer, supporters of religious freedom can successfully uphold their principles, and build more support for the RFA. It's vital that each and every member of Congress be overwhelmed by citizen's calls and letters, and that newspapers, talk radio and other media be swamped as well.

The American people have never accepted the Supreme Court's extra burdens levied against voluntary school prayer and against religious freedom during the past 36 years. For the first time, an amendment to remedy this has passed a House subcommittee and committee to come to the floor (the 1971 vote occurred only because of a petition by a majority of members of the House).

We have the opportunity of a lifetime, and we must be informed and ready to protect our religious freedom, and to reverse the attacks that threaten it.

VIOLATIONS OF AMERICANS' RIGHTS DURING OUT-OF-CONTROL INVESTIGATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the minority leader.

Mr. STUPAK. Mr. Speaker, a couple of weeks ago I came to the floor and I was talking about these investigations going on, and it was quite interesting, hearing my colleague from Oklahoma tonight talking about the First Amendment and morality and prayer and things like that, and he made some very good points. But I hope we apply that same standard, first amendment freedoms and rights and morality, into the investigations, into what is going on here in Washington, D.C.

I could not help but notice last Sunday's "60 Minutes" program, Mr. Speaker, in which they had an individual on that program, Sara Hawkins, who was an employee of the Madison Savings & Loan, who was accused of illegally backdating appraisals by co-workers that had entered into a plea bargain with Mr. Starr's office. They came to Mrs. Hawkins, they wanted her to plead guilty to a felony, and she found that she did not do anything wrong, so she refused to do so. In fact, the independent counsel had threatened her.

My concern is that as we are doing these investigations, we are violating individual's first amendment rights, fifth amendment rights, eighth amend-

ment rights, sixth amendment rights, trying to threaten them in doing investigations.

If we take a look at what went on and what has been taking place here in these investigations, they go, if you do not plead to the felony, we could bring charges, as they threatened Ms. Hawkins with, for all 80 counts, which would mean 400 years in jail. Ms. Hawkins said that they told her, you know, you have kids, you do not want them to have to go through a jury trial, you do not want them to go through this. They are making all of these threats.

At the time Ms. Hawkins was the sole supporter of her two daughters and her grandchildren. She had her own business. She earned approximately \$100,000 a year.

Word got around. It was reported in the Wall Street Journal and in other publications that she was the target of an investigation in this whole savings and loan situation, but when word got around she was a consultant, that was her business, her business just dried right up. She lost everything, under the threat of an investigation.

In fact, she was working, she is now working part-time. Things were so tight, money was so tight she ended up having to go on food stamps, public assistance, if you will, to support herself. Her daughter that she was supporting, her daughter was going to college and had to drop out because her mother could no longer help her.

So after months and months of threats from the Special Prosecutor's office, they then write her a letter and tell her, we do not have enough evidence to charge you on anything, not the 80 counts, but on anything; and therefore, she thought, she was relieved that her nightmare would be over.

Well, a month later, a month later, they come back, and again, according to Mrs. Hawkins, they said that since she would not cooperate with them, they really wondered then what did she have to hide, and so they started to do some more digging, and they told her that we have come up with some new activity that we think that you may be involved in, criminal activity. We are not going to tell you what it is, but we are going to start the process all over again.

The whole idea of, now we are going to investigate you on something else since you will not cooperate with us, is probably government at its worst.

That is what I am concerned about here tonight and that is why I have taken the floor in the past, and I am here once again this evening. Where have we gone as a Nation that the government, the United States Government is beginning to do investigative tactics that are less than legal, less than moral, less than ethically correct?

In that same program, another one of the tactics used by the Special Prosecutor, Mr. Starr, was that FBI agents showed up at a high school to issue a

subpoena to a 16-year-old, a 16-year-old, the son of an individual who was subject to an investigation. Another individual linked to Mr. Starr's office tried to pressure him into making false statements regarding the President. In fact, one individual, Professor Smith, who was a professor at the University of Arkansas and the former president of an Arkansas bank and a business partner of Jim McDougal over 20 years ago he was an aide to then-Governor Bill Clinton, levels an even more serious charge about the operation of the Special Prosecutor, Kenneth Starr. Mr. Smith said, "They asked me to lie about other people, and they have lied about what they have done."

In 1985, Mr. Smith pled guilty to a misdemeanor for misusing a loan. He took out a loan and he ended up using it for something other than what it said in there. Mr. Smith pled guilty to the incident and included an agreement to testify against others. That was part of the plea bargain. He was supposed to testify against others in the grand jury.

Well, Mr. Smith has pledged his cooperation with the investigation and the cooperation has begun. But did Starr make it very clear, Starr and his investigators make it clear what they wanted Mr. Smith to say? Instead, Mr. Smith said, again on the program the other night, "60 Minutes", he said that "Oh, they made it very clear what they wanted me to say. They had typed up a script what was purportedly my testimony, and they wanted me to go in and read it to the grand jury," and that "There were things that they were asking me to say that were untrue, things that I had repeatedly told them were not true, things that I told them I had no knowledge about, but yet they typed it up, and that was to be my testimony, and I was to enter it before the grand jury." Fortunately, he refused to do it.

But if we take a look at what is going on here, Mr. Speaker, if the government can do this, bring the weight and pressure of the Federal Government, go back and comb 20 years of one's history and find a misdemeanor charge where one might have said something a little wrong; and then one says, okay, I will plead guilty and cooperate, and then they put before someone testimony that they type up and they make up the facts, and the person has to then go before a grand jury and say it is true, not only about yourself, but also about other people, have we crossed that line?

If government, through these investigations, can do this to friends and associates of the President, then can they not do it to me? Can they not do it to the people sitting at home?

□ 2130

Can they do it to any American citizen? My concern is that, as all Americans, we should be outraged by the actions of the so-called investigations going on here in Washington, D.C.